

CITY COUNCIL OF THE CITY OF ANNAPOLIS

ORDINANCE NO. O-15-05

Introduced by Alderman Cohen

LEGISLATIVE HISTORY

First Reader:
4/11/05

Public Hearing:

Fiscal Impact Note:

120 Day Rule:
n/a

Referred to:

Meeting Date:

Action Taken:

Rules Committee

Planning Commission

AN ORDINANCE concerning

Residential Conservation Overlay

FOR the purpose of requiring for reconstruction and new construction that any exterior façade shall be reviewed, signs shall be posted for at least 15 days announcing exterior changes, single-family residences in excess of 3,250 square feet become subject to standard use, side yard setbacks on lots of 50 feet and wider are increased from 20 to 25 percent of the lot width; building height is limited to maximum of 26 feet or the average height of all structures on the block, three additional standards for height by which to judge the design of a structure built to the allowable height behind the ridgeline must be met, additional findings are required by the Department of Planning and Zoning; and that with respect to demolitions, the Director of Planning and Zoning may have conducted a structural analysis, a definition of demolition is established, adjacent property owner notification distance is increased from 200 to 300 feet, the posting period is increased from 10 to 30 days; and matters generally relating to the requirements of the Residential Conservation Overlay.

* * * * *

BY adding the following new section to the Code of the City of Annapolis (1996 Edition and Supplement):
Section 21.69.090

BY repealing and enacting with amendment the following section of the Code of the City of Annapolis (1996 Edition and Supplement):
Section 21.69.030
Section 21.69.045

1 Section 21.69.050

2 Section 21.69.070

3 Section 21.69.080

4
5 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
6 **CITY COUNCIL** that the Code of the City of Annapolis shall read as follows:

7 **Section 21.69.030 Enforcement.**

8 In the RC district, new construction including new buildings, enlargements to
9 building size or bulk, or structural alterations to existing structures which have an impact
10 upon any exterior façade of a structure with emphasis placed on facades visible from
11 public view ~~the street facade~~ shall be reviewed for compliance with this chapter by the
12 department of planning and zoning in accordance with the provisions of Chapter 21.98,
13 Site Design Plan Review; ~~except that this chapter will not apply to new construction,~~
14 ~~enlargements or structural alterations which occur behind an existing building within the~~
15 ~~confines of a rearward extension of the side building lines; except that if such addition~~
16 ~~will impair an adequate supply of light and air to adjacent property or will impede the~~
17 ~~exterior maintenance of adjacent property, the requirements of Section 21.69.050 (A)(2)~~
18 ~~shall apply.~~ The applicant shall post a public notice sign on the property announcing the
19 proposed new construction, enlargement or structural alterations for a period of no less
20 than 15 days.
21

22 **Section 21.69.045 Uses subject to standards.**

23 The uses specified in this section are permitted in the residential conservation
24 overlay district, subject to compliance with the standards indicated.

25 A. The following uses are permitted subject to the standards enumerated in
26 subsection B of this section:

27 1. Bed and breakfast homes.

28 B. Uses listed in subsection A of this section shall comply with the following
29 standards:

30 1. The individual recorded owner of the property shall be the operator of the
31 bed and breakfast and reside on the premises. No resident managers shall be allowed
32 to operate a bed and breakfast.

33 2. The number of guests cannot exceed the maximum allowed by the life
34 safety code.

35 3. There shall be only one kitchen within the entire dwelling. No cooking
36 facilities shall be permitted in guest rooms.

37 4. Bed and breakfast homes shall not have a separate apartment within the
38 entire dwelling or on the subject property such as a carriage house, garage, etc.

39 5. Bed and breakfast homes shall have interior stairs to serve all habitable
40 living spaces within the entire dwelling including basements and attics.

1 6. A rental license shall be obtained from the department of neighborhood
2 and environmental programs.

3 7. The resident owner shall keep a current guest register including names,
4 addresses and dates of occupancy of all guests available for inspection by the licensing
5 agency.

6 8. The use shall be subject to all applicable city code regulations including
7 but not limited to building, fire, and health regulations.

8 9. For each side of a block between two intersecting streets there shall be no
9 more than two bed and breakfast homes and no two bed and breakfast homes shall be
10 located on adjacent properties.

11 10. No bed and breakfast home shall be located in an attached dwelling.

12 11. The bed and breakfast use shall be subordinate and incidental to the
13 principal residential use of the property and located within an existing structure.
14 Bedroom rental units may not occupy more than sixty percent of the living space of the
15 single-family dwelling.

16 12. A minimum number of off-street parking spaces shall be provided in
17 accordance with the following schedule:

18 a. One space for a one or two guest room bed and breakfast;

19 b. Three spaces for a three guest room bed and breakfast;

20 c. Four spaces for a four guest room bed and breakfast;

21 d. Five spaces for a five guest room bed and breakfast.

22 13. Required off-street parking may be provided within an existing garage,
23 driveway or parking area. Where feasible, parking areas shall be provided at the rear or
24 side of the property, but in no case should parking be provided in the established front
25 yard. When located next to a residence, parking shall be screened and maintained with
26 dense planting or other appropriate screening to buffer the parking from abutting
27 properties subject to the provisions of site design review under city code, Chapter
28 21.98.

29 14. Signage shall be limited to a single sign not exceeding two square feet in
30 area.

31 15. No bed and breakfast license will be required for special events including
32 multi-day graduation events and multi-day boating event and other similar events as
33 determined by the director of planning and zoning.

34 16. The applicant for a bed and breakfast license shall post a public notice on
35 the property indicating that a bed and breakfast license for the property is being sought.
36 This sign shall be posted for a period of not less than ten days.

37 C. Bed and breakfast homes shall be subject to the same use and occupancy
38 tax levied for hotels pursuant to the Anne Arundel County Code.

39 D. Any structure in excess of 3,250 square feet, is subject to public hearing,
40 review and approval by the Planning Commission. The 3,250 square foot figure does
41 not include square footage in basements that are 50 percent or more under ground,
42 uninhabitable attic space or accessory structures.

43
44 **Section 21.69.050 Building bulk.**

1 A. Yards. For each principal permitted or special exception located in the RC
2 district, yards shall be provided as follows:

3 1. The front yard shall observe the established front yard for the block on
4 which it is proposed, or the front yard requirement of the underlying zone, whichever is
5 less, except that building additions may maintain the front yard of the existing structure.

6 2. Side yards shall be provided as follows:

7 a. Lots of Less Than Fifty Feet in Width. The total of both side yards shall be
8 equal to or greater than two times the minimum interior side yard requirement of the
9 underlying zone. The minimum side yard shall be the lesser of either the average
10 minimum side yard of the principal structures in the block face or the minimum side yard
11 requirements of the underlying zone.

12 b. Lots of Fifty Feet in Width or Greater. The total of both side yards shall be
13 equal to or greater than twenty-five percent of the lot width. The minimum side yard
14 shall be the lesser of either the average side minimum yard of the principal structures
15 on the block face or the minimum side yard requirements of the underlying zone.

16 3. Rearward building additions may maintain the side yard of the existing
17 structure, except that if such addition will impair an adequate supply of light and air to
18 adjacent property or will impede the exterior maintenance of adjacent property, the
19 requirements of subsection (A)(2) of this section shall apply.

20 4. Replacement Structures. If a structure is demolished for the purposes of
21 new construction, the new structure must maintain either the front yard of the previously
22 demolished structure or the front yard as required under subsection (A)(1) of this
23 section.

24 5. Notwithstanding the provisions of the underlying zone, there is no side
25 yard requirement for nonresidentially zoned land.

26 B. Accessory Structures. In addition to the requirements of the underlying
27 zone, the bulk of accessory structures shall be regulated as follows:

28 1. The height of accessory structures shall in no instance exceed the height
29 of the principal structure, and shall be determined as follows:

30 a. Accessory structures within two feet of any property line except rear
31 property lines adjacent to an alley:

32 1. The structure shall have a cornice height not to exceed eight feet and a
33 ridge height of sixteen feet, except that due to physical constraints or in order to achieve
34 compatible design, the director of planning and zoning may allow a two foot tolerance to
35 the cornice height and a four foot tolerance to the ridge height.

36 b. The cornice and ridge heights of an accessory structure may increase one
37 foot for each one foot of additional setback beyond two feet up to a maximum height of
38 two stories and/or a cornice height of sixteen feet and a ridge height of compatible
39 design.

40 C. Building Height.

41 1. The maximum height of a building or structure is permitted to be the
42 greater of:

43 a. A building height of 26 feet; or

44 b. The average height of all structures on the block face measured to the
45 highest point of the roof, except that the director of planning and zoning may allow a

1 tolerance of no more than ten percent of the average height upon a finding that this
2 tolerance is necessary to provide for adequate living space and that the tolerance will
3 not promote incompatible design or diminish an adequate supply of light and air to
4 adjacent properties, and that this tolerance shall not permit buildings greater in height
5 than the maximum height allowed in the underlying zone.

6 2. Nothing in this section shall be construed to allow a height greater than
7 the maximum height of the underlying zone.

8 23. Except that new construction behind the ridgeline (i.e., roofline) of an
9 existing structure, or if no structure is extant, behind the average front setback of
10 ridgelines on the block face, may maintain the height limitation of the underlying zone
11 subject to the following:

12 a. The new construction will not impair an adequate supply of light and air to
13 adjacent property or will impede the exterior maintenance of adjacent property;

14 b. The side facades are not designed as a single plane but are articulated
15 by means of changes in plane, increased setbacks, offsets, and a change in materials
16 among other design solutions which lessen the potential impacts of building height;

17 c. Roof and eave design are compatible with adjacent and nearby structures
18 and, in the case of an addition, are compatible with the existing house.

19
20 **Section 21.69.070 Additional site design plan review guidelines for new**
21 **construction or structural enlargement or reduction.**

22
23 The following guidelines shall be applied at the time of site design plan review
24 and shall control in the event of conflict with the provisions of Chapter 21.98. These
25 guidelines shall be applied to all uses in the RC district. No design plans shall be
26 approved by the Department of Planning and Zoning until the following findings have
27 been met:

28 A. Where new buildings, structures, structural alterations or structural
29 rehabilitations, enlargements or reductions are proposed, their design shall be
30 compatible with the historic character and design of the area and shall promote the
31 existing spatial and visual qualities in the RC area, including height and scale of
32 buildings, orientation, spacing, site coverage, and exterior features such as porches,
33 roof pitch and direction and landscaping.

34 B. All buildings shall observe the established, historic front setbacks and
35 building heights pursuant to Section 21.69.050, if any, for the block on which they are
36 proposed.

37 C. All new structures or buildings, enlargement of existing structures or
38 buildings and all substantial rehabilitation, reduction and/or alteration of existing
39 structures or buildings shall have bulk, massing and scale similar to the structures on
40 the block face.

41 D. The proposed alterations or new construction shall preserve and enhance
42 the vernacular streetscape of the neighborhood;

43 B-E. Exterior structural alterations to historic and contributing structures along
44 the street frontage to historic and contributing structures shall be kept to a minimum.

1 G.F. Design for new construction and enlargements to all existing buildings or
2 structures in the RC area shall conform to the guidelines for the relation of proposed
3 structures to adjacent developments established in Section 21.98.050 and shall be
4 compatible with the distinguishing, contributing characteristics of the majority of
5 surrounding properties on the block face.

6 G. In cases where an application is dependent upon preserving all or part of
7 an existing structure, and its structural integrity is in question, the Director of Planning
8 and Zoning may require a structural analysis of a building, by a registered structural
9 engineer, to determine if it is sound and not a threat to public health and safety before
10 site design approval is granted.
11

12 **Section 21.69.080 Demolition.**

13 The department of planning and zoning shall be responsible for approving or
14 denying applications for demolition of buildings or structures within the RC district. At
15 the time of submittal for demolition approval, the applicant shall notify property owners
16 within ~~two~~ **three** hundred feet of the perimeter of the property of the intent to demolish.
17 The property owners shall be notified by ~~first-class mail, return receipt requested,~~ and
18 shall be given ~~ten~~ **thirty** days from receipt of notice to respond. Failure to respond shall
19 indicate no objection to the demolition proposal. Additionally, a sign provided by the
20 department of planning and zoning, indicating that demolition approval is being sought
21 and stating the expected date of decision, shall be posted and maintained on the
22 property in a location readily visible to the public **for no less than thirty days**, and shall
23 be removed by the applicant within seven days following the decision to permit
24 demolition to occur. In order to approve a demolition request, the Director of Planning
25 and Zoning may require a structural analysis of a building, by a registered structural
26 engineer, to determine if it is sound and not a threat to public health and safety before a
27 demolition is authorized. In addition, the department of planning and zoning must first
28 make all of the following findings based upon evidence of record. **These standards do**
29 **not apply to demolition limited to the interior of a structure.**

30 A. Loss of the structure would not be adverse to the district or the public
31 interest by virtue of the structure's uniqueness or its contribution to the significance of
32 the district;

33 B. **The proposed** Demolition would not have an adverse effect on the **design**
34 **and historic** character of the structure and surrounding environment of the district;

35 C. Demolition is not for the purposes of assembling properties for the
36 construction of a large-scale structure, if such assemblage is determined to be
37 incompatible with the purposes and intent of the RC district;

38 D. The replacement structure **or parts of the structure** is designed and sited
39 in a fashion that reflects the compatibility objectives of this chapter.

40 E. The proposed partial demolition will not impact the stability or structural
41 integrity of the remaining portions of the structure and appropriate measures are
42 proposed to stabilize the building during demolition and construction. In the case of
43 total demolition a structural analysis and evaluation has been conducted and

determined the building to be unsound and is a threat to the public health and safety. The department of planning and zoning may require that such an evaluation be prepared by a certified structural engineer at the applicant's cost.

Section 21.69.090 Definitions.

For the purposes of this chapter, demolition is defined as involving the entire removal of more than one exterior wall or the entire removal of the roof structure. These standards do not apply to demolition limited to the interior of a structure.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

ADOPTED this ___th day of _____ 2005.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, MMC
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Highlighting indicates matter added to existing law.

~~Strike Out indicates matter deleted from existing law.~~

Underlining indicates amendments.